IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVN.APPLN.NO.174 OF 1998

Bhauso Malgonda Patil ..Applicant

Vs.

State of Maharashtra ..Respondent

...

Mr.P.R.Arjunwadkar advocate for applicant
Mr.S.S.Pednekar A.P.P. for the State

...

**CORAM: SMT.V.K.TAHILRAMANI,J.**
**DATE : JUNE 18, 2007**

**P.C.**

1. Heard the learned Advocate for the applicant and the learned APP for the State.

2. The applicant-original accused No.2 has been convicted under Sections 420 r.w. 34 of IPC by the learned Joint JMFC, Ichalkaranji by judgment and order dated 31.7.1995 in R.C.C.No.249 of 1993. By the said judgment and order the learned Magistrate sentenced the applicant to suffer RI for one year and fine of Rs.500/- in default RI for three months. Being aggrieved by the said judgment and order the applicant preferred Criminal Appeal No.82 of 1995. The IInd Addl. Sessions Judge, Kolhapur

by judgment and order dated 14.7.1998 dismissed the said Appeal. Being aggrieved thereby, this Revision has been preferred by the applicant.

3. Mr.Arjunwadkar, the learned Advocate for the applicant, on instructions, states that the applicant is not challenging his conviction. However, it is prayed that the sentence of imprisonment may be reduced and instead the fine may be substantially increased.

4. The learned APP states that if the fine amount is substantially increased, he does not have any serious objection to period of imprisonment being reduced to the period already undergone by the applicant.

5. In view of the above, the conviction of the applicant is confirmed. However, the sentence of imprisonment is reduced to the period already undergone by the applicant and fine amount of Rs.500/- as imposed by the learned Magistrate is increased to Rs.3,500/-. It is stated that the fine amount of Rs.500/- as imposed by the learned Magistrate has already been deposited by the

applicant. In such case, the applicant will have to deposit the remaining fine amount of Rs.3,000/-. The said fine amount of Rs.3,000/- to be deposited within four weeks from today in this Court. In case the applicant fails to deposit the said fine amount within the said period the order of the learned Magistrate and learned Sessions Judge shall stand revived.

6. Criminal Revision Application is partly allowed. Rule made absolute in the above terms.

[Smt.V.K.Tahilramani, J.]